

1617

Case Docket No.: JBP 576

In, re application of John Kung, et al.

Serial No. 10/020,623

Filed: December 7, 2001

For: COMPOSITION TO ENHANCE PERMEATION OF TOPICAL SKIN AGENTS

COMMISSIONER FOR PATENTS  
Washington, D.C. 20231

Sir:



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Transmitted herewith is an amendment in the above-identified application.

- ☐ No additional fee is enclosed because this application was filed prior to October 25, 1965 (effective date of Public Law 89-83).
- ☒ No additional fee is required.
- ☒ One stamped, self-addressed postcard for the PTO Mail Room date stamp.
- ☐ Petition For Extension of Time and charge to Deposit Account of Appropriate Fee.

The fee has been calculated as shown below.

CLAIMS AS AMENDED

(1)	(2)	(3)	(4)	(5)	(6)	(7)
	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NO. PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE	ADDITIONAL FEE
TOTAL CLAIMS	0	minus	20	0	x \$18	=\$ 0.00
INDEP. CLAIMS	0	minus	3	0	x \$84	=\$ 0.00
MULT. DEP. CLAIMS	<input type="checkbox"/>				\$ 280	=
			TOTAL ADDITIONAL FEE FOR THIS AMENDMENT			=\$ 0.00

- ☐ Charge to Deposit Account No. 10-0750/ / . Three copies of this sheet are enclosed.
- ☒ Please charge any additional fees in connection with the filing of this communication, or credit overpayment, to Deposit Account No. 10-0750/JBP576/ALC. Three copies of this sheet are enclosed.

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July 24, 2003



Docket No. JBP 576

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants : John Kung, et al.  
Serial No. : 10/020,623 Art Unit: 1617  
Filed : December 7, 2001 Examiner: S. Sharareh  
For : COMPOSITION TO ENHANCE PERMEATION OF TOPICAL SKIN AGENTS

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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on

July 24, 2003

(Date)

Andrea L. Colby

Name of applicant, assignee, or Registered Representative

*Andrea L. Colby*

(Signature)

July 24, 2003

(Date of Signature)

Commissioner for Patents  
Washington, D.C. 20231

**RESPONSE TO RESTRICTION REQUIREMENT**

Dear Sir:

This is a Response to the Restriction Requirement rendered in the above-identified patent application on June 24, 2003. The Restriction Requirement of June 10, 1999 restricted the pending claims 24-29 to the following groups:

- I. Claims 24-25, drawn to methods of mitigating retinoid irritation, classified in class 514, subclass 725.

II. Claim 26, drawn to methods of controlling the administration of hydrophilic or hydrophobic active agents, classified in class 424, subclass 59.

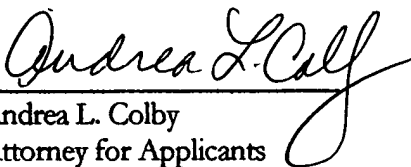
III. Claims 27-29, drawn to methods of enhancing the penetration of lipophilic compounds into the skin, classified in class 424, subclass 401.

Applicants respectfully transverse this restriction requirement and respectfully submit that the searching of the three Groups of claims should not entail a burden upon the Patent and Trademark Office. Applicants, however, provisionally elect the claims of Group III (claims 27-29) to prosecute in this patent application.

The Office Action of June 24, 2003 also required the election of a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. The two species from which the election is to be made are: various lipophilic compounds and sugars. Although applicants respectfully traverse this requirement, applicants respectfully elect various lipophilic compounds.

Applicants respectfully request reconsideration of the restriction requirement set forth in the Office Action of June 24, 2003 in light of the foregoing discussion. An early search and allowance are earnestly solicited.

Respectfully submitted,

  
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July 24, 2003